



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
Attorney General

Direct Dial: 212-416-8593

KENT T. STAUFFER  
Executive Deputy Attorney General  
Division of State Counsel

LISA DELL  
Assistant Attorney General in Charge  
Litigation Bureau

September 18, 2012

**VIA ECF**

Hon. Cheryl L. Pollack  
United States Magistrate Judge,  
Eastern District of New York  
Theodore Roosevelt United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York

Re: *National Liability & Fire Insurance Company v. Itzkowitz et al.*,  
E.D.N.Y. 12 Civ. 345 (ILG) (CLP)

Your Honor:

We are writing on behalf of defendant New York State Thruway Authority ("NYSTA"), in this diversity interpleader action concerning an accident on the New York Thruway, to request an extension of time to respond to Plaintiff's Notice of Discovery and Inspection, filed June 11, 2012 (Doc. No. 68), and Plaintiff's First Set of Interrogatories, filed June 11, 2012 (Doc. No. 67), as well as an extension of time to propound its own discovery requests.

Pursuant to this Court's Initial Conference Order, dated May 14, 2012 (Doc. No. 65), inter alia, the parties were to exchange discovery requests by June 11, 2012 and respond to any discovery requests by July 9, 2012.

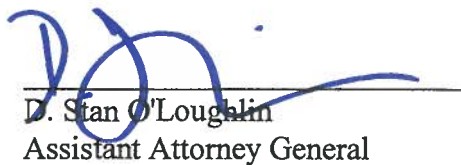
This request is necessary because some time after the Initial Conference Order was issued, the Assistant Attorney General who had been representing NYSTA in this matter retired without notice or an ordinary turnover of his caseload, requiring the reconstruction of our file and that I begin the process of responding to and propounding discovery essentially from the beginning. As a result, NYSTA has not yet propounded any discovery requests and has not yet responded to plaintiff's discovery requests. We are currently in the process of conducting a search for material responsive to plaintiff's discovery requests and drafting responses to same. We are also investigating whether we will need to propound our own discovery requests. We request an extension of time until November 7, 2012 to respond to plaintiff's discovery requests and to propound our own discovery requests, if any.

Page 2 of 2

Plaintiff's counsel, S. Dwight Stephens, Esq, of Melito & Adolfsen PC, consents to this request.

We appreciate Your Honor's consideration, and ask that the Court approve the proposed extension to NYSTA on consent.

Respectfully,



D. Stan O'Loughlin  
Assistant Attorney General

cc: Attorneys of Record (via ECF)